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TO THE ROYAL COMMISSION
ON
THE WORKMEN'S COMPENSATION ACT

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SUBMISSIONS OF THE BELL TELEPHONE
COMPANY OF CANADA

The Bell Telephone Company of Canada (hereinafter referred to as "the Company") employs approximately 42,000 employees, of which close to 24,000 work in the Province of Ontario. The range of jobs varies from skilled craftsmen, telephone operators, clerks, house service workers, and dining service workers, to various types of professional people such as engineers, architects, lawyers, doctors and nurses. All these employees, including all levels of management personnel, are covered under the provisions of The Workmen's Compensation Act.

As an employer under Schedule 2 of the Ontario Workmen's Compensation Act, the Company is individually responsible for the cost of on-duty accidents in Ontario. In addition, since 1917 the Company has operated, at Company expense, an accident benefit plan which provides that any employee injured in the course of his employment will receive disability benefits while disabled at his full pay rate for a period from 13 to 52 weeks, depending on his length of service, and at the half-pay rate thereafter for life, if necessary. The Plan also provides for payment of the necessary medical expenses associated with the accidental event. In practice there is no duplication of benefits. The employee receives the

greater of the benefits provided by either the Company's Plan or the Workmen's Compensation Act. And every effort is made to rehabilitate the employee in suitable employment.

One of the most desirable aspects of the Workmen's Compensation Act is to direct attention of employers to the value of the prevention of occupational injuries and diseases. In keeping with this objective, the Company carries out, on a continuing basis, an extensive Safety and First Aid Program aimed at training employees in safe working practices. The Company's overall objectives in providing for the injured worker, and in providing a safe and healthful working environment thus closely parallel the objectives of the Workmen's Compensation Act.

The Province of Ontario can be justifiably proud of the fact that the Ontario Workmen's Compensation Act has served as a model, not only for the other Provinces of Canada, but for many other parts of the world. We believe that its success has been based on the philosophy which was enunciated by Sir William Meredith whose studies led to the enactment of the Workmen's Compensation Act in 1915. We believe that the following important concepts are still valid under today's conditions:

- (a) The Compensation Act has overcome the "costly delays and nuisances of litigation in order that the injured workman and his dependents could receive the benefits of speedy justice, humanely administered".

(b) The employee retains his right to compensation whether or not his negligence contributed to the accident.

(c) The full cost of compensation is borne by employers as a legitimate expense of doing business.

Amendments have been necessary and will be necessary from time to time to keep the amount of compensation provided in line with current economic conditions. We believe, however, that in the interests of workers as well as employers the Act should continue as a compensation act solely for those disabilities which can clearly be identified as having "arisen out of and in the course of employment". Any broadening of the definition of "accident" would have the effect of assessing employers for the costs of disabilities for which they have no responsibility.

In an amendment to the Act in 1963 the definition of an accident was changed to read as follows:

(a) "accident" includes,

(i) a wilful and intentional act, not being the act of the workman,

(ii) a chance event occasioned by a physical or natural cause, and

(iii) disablement arising out of and in the course of employment.

We recognize that the only change was to replace the word "fortuitous" with "chance", and to include in this section

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"disablement arising out of and in the course of employment". We have been given to understand that there was no intent in 1963 to include those disabilities where there was no causal relationship to the job being performed. To quote Mr. G. S. Black of the Compensation Board, in the April 1966 News Bulletin -

"Entitlement, however, under this Amendment requires that the disablement which a workman suffers must have some causal relationship with the work being performed. It is not sufficient that the disablement comes on during work; rather, there must be something about the work which can be considered to have caused the disablement. The cause might be strenuous work, awkward position, unaccustomed strain or even a movement arising out of the work which is reasonable to consider may have caused the disablement".

We are in complete agreement with this statement, and submit that it should be strictly adhered to. However, regardless of the intent, in our experience the 1963 Amendment has led to the belief amongst workers as well as claims assessors that almost any disability which becomes apparent at work is compensable under the Act. While this interpretation may be considered to be in the administrative area, we believe it goes beyond that because it illustrates the necessity of the wording of the legislation being such that it leaves no doubt as to its real intent.

The difficulty in interpreting this part of the Act is most apparent in those cases where there has been no clear accidental event. To illustrate, an employee bends down to pick up a 10 pound weight with no awkward movement such as a twist or a slip, but on straightening he becomes aware of an acute pain

in his back. Investigation may show a congenital weakness or a degenerative disorder. We believe that it would be discriminatory to accept this kind of disability as being compensable under the Act when there is no compensation for the employee who suffers a heart attack while at work, or for the employee who feels he caught influenza from a fellow employee. We believe that it would be equally disastrous to attain consistency of treatment by broadening the Act to include cases such as the latter examples just because the disability became apparent while the employee was at work. Our reasons for this view may be summarized as follows:

- (a) It would destroy the original concept of Workmen's Compensation which was, that regardless of who was to blame for the accident the employer would be responsible through the Compensation Act for payment, a concept which is justifiable only when compensation is limited to those disabilities which can clearly be demonstrated as arising out of and in the course of employment.
- (b) Most employers hire a number of persons who have existing physical disabilities. The broadening of the definition of "accident" could well have the effect of making employers unwilling to assume the risks of hiring or retaining such employees. This would almost certainly have an adverse effect on the employment opportunities of such persons.

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(c) It would appear to be as unfair to customers and shareholders for an employer to be assessed with the expense of a non-industrial injury, as it would be to workers if there were no protection for those injuries and diseases attributable to his employment.

In summary this Company supports any changes to the Act which are aimed at keeping the rate of compensation reasonably related to current economic conditions. We recommend strongly, however, that no change be made which would alter its basic intent and thereby depart from the philosophies which have made it a model for other legislative bodies to follow.

While our Company is in full agreement with the measures to adequately look after the injured employee, it is our firm conviction that increased emphasis should be directed towards the prevention of accidents through the auspices of the Workmen's Compensation Board of Ontario. The history of medicine and its success in controlling disease through preventive measures are well documented. It is recommended in view of the alarming toll which accidents are taking in our working population that due consideration be given by the Workmen's Compensation Board of Ontario to expanding its role in providing leadership in the field of accident prevention in industry.

As one of the oldest and largest employers in Canada we feel that we have developed considerable experience in this

field. We therefore appreciate the opportunity of expressing our views on this occasion.

Dated at Toronto the 12th day of August, 1966,
and respectfully submitted by,

THE BELL TELEPHONE COMPANY OF CANADA

per.....*F. A. Burgess*.....
Regional Counsel - Western Region

